THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.11875 OF 2006

DATED: 26-04-2007

BETWEEN

M. Sagar, S/o. Rajendra Malhotra,
R/o. D.No. New Gollagudem,
Kothagudem, Khammam District
and another.

...PETITIONERS

AND

The State rep. by the Principal Secretary,
Home Department, Secretariat, Hyderabad
and two others.

...RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus to direct the respondents not to interfere with the exhibition of games of skill, such as, (i) Ring throw, (ii) Ball throw (Box) (iii) Video games,
(iv) Dart Pin throw, (v) Gun Shooting, (vi) Steel Glass Shooting and (vii) Steel Article Games being arranged by the petitioners and consequently declare the action of the respondents and their subordinates in interfering with their activities as illegal and arbitrary.

2. It is stated that the petitioners eke out their livelihood by arranging the aforementioned skill games, excluded by Section 15 of the A.P. Gaming Act, 1975 (for short 'the Act'), wandering from village to village. It is stated that while they have been conducting the skill games the respondent officials and their subordinates have been interfering with the petty business activity of the

petitioners in the guise of implementing the provisions of the Act, which action is illegal and arbitrary. It is stated that except the said games, they are not resorting to any other illegal activities, which are prohibited by Section 15 of the Act. It is further stated that Section 15 of the Act stipulates that the Act shall not apply to the games of skill, wherever played.

3. Having regard to the facts and circumstances of the case, it is just and proper to direct the respondents not to interfere with the lawful activities of the petitioner. However, if the petitioner conducts games of gambling or betting, it is always open for the police to take appropriate criminal action against the petitioners.

The writ petition is accordingly disposed of directing the respondents not to interfere with the lawful activities of the petitioner. However, it is made clear that it is open to the respondents to take appropriate action in accordance with law, in case, the petitioners indulge in illegal activities. There shall be no order as to costs.

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V. ESWARAIAH, J

April 26, 2007
DSK